

REMARKS

Applicants have herein amended claims 17, 125 and 128 of the subject application in accordance with a series of telephone conversations held on March 10, 2003 through March 12, 2003, between the undersigned representative and the Examiner. Claims 17, 19, 98-103, 125-126 and 128 are now pending in the subject application.

In the office action dated April 17, 2003, it was stated that, “[t]he amendment filed on 12/24/02 (in response to an office action dated October 2, 2002) amends all pending claims to read on a non-elected invention and thus is non-responsive.” The April 17, 2003 office action also stated that, “[t]he claims as currently amended are drawn towards the invention of group II of a combination of device with gaps and junctions. The amended claims are not readable on the constructively elected subcombination because they now contain limitations to both the gaps and the junction regions and thus read on the non-elected combination” (see page 2 of the April 17, 2003 office action). Applicants do not concede the correctness of the Examiner’s position as set forth in the April 17, 2003 office action. Nonetheless, to expedite prosecution of the subject application, Applicants have herein amended claims 17, 125 and 128.

Upon entry of the present amendment, Applicants submit that the pending claims read on the set of claims elected for the present application. Thus, Applicants submit that the present response, coupled with the Declaration under 37 C.F.R. §1.131 set forth in the response dated December 24, 2002, constitute a responsive reply to the office action dated October 2, 2002.

CONCLUSION

Applicants respectfully request issuance of a Notice of Allowance for the subject application. If the Examiner is of the opinion that the subject application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned representative at the telephone number listed below, in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark A. Nuzzo', written over a horizontal line.

Mark A. Nuzzo

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